

CPS-178

April 17, 2003

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

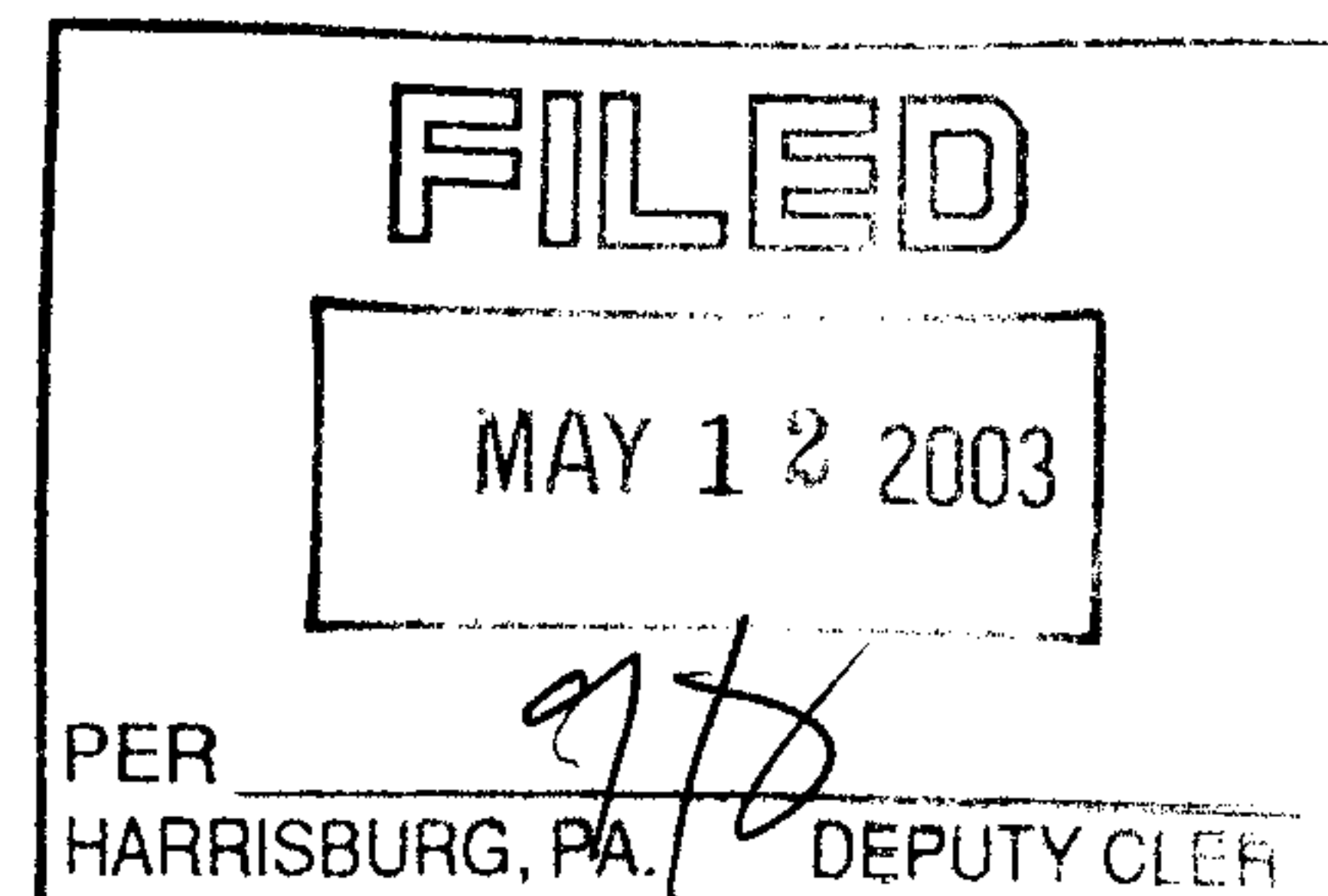
C.A. No. 02-4112

DALE ARNOLD,  
Appellant

vs.

FREDERICK FRANK; ET AL.

(M.D. PA. CIV. NO. 00-CV-00775)



Present: NYGAARD, FUENTES AND GREENBERG, CIRCUIT JUDGES

Submitted is Appellant's application for a certificate of appealability under  
28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/JDM/cmd

ORDER

The foregoing request for a certificate of appealability is denied, as Appellant has failed to make a "substantial showing of the denial of a constitutional right" on his claim that trial counsel rendered ineffective assistance in failing to object to the psychologist's testimony at trial. See 28 U.S.C. § 2253(c)(2); Miller-el v. Cockrell, 123 S. Ct. 1029, 1039-40 (2003).

A TRUE COPY:

Kathleen Brouwer,  
Chief Deputy Clerk

Dated:   
MAY 6 - 2003

By the Court,

Circuit Judge

CMD/CC: DIS  
RTW

1 to cl  
OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790

TELEPHONE  
215-597-2995

Harrisburg Clerk of District Court  
(District)

Date 05/6/03

Arnold v. Frank et al  
(Caption)

C. of A. No. 02-4112

Dale Arnold  
(Appellant)

RECEIVED

Civil No. 00-cv-00775  
(D.C. No.)

*J. Kane*

MAY 12 2003

*gv*

MARY E. D'ANDREA, CLERK

Enclosures:

05/6/03 Certified copy of C. of A. Order by the Court/Clerk  
(Date)

\_\_\_\_\_ Released (Record) (Supplemental Record - First - Second - Third)

\_\_\_\_\_ Copy of this form to acknowledge receipt and return to C. of A.

\_\_\_\_\_ Record not released at this time until appeal(s) closed at No.(s) \_\_\_\_\_

\_\_\_\_\_ Please forward Certified List in lieu of Record to this office.

\_\_\_\_\_ The certified copy of order issued as the mandate on \_\_\_\_\_ is recalled.

Chiquita Dyer (267)-299- 4919  
Case Manager Telephone Number

Receipt Acknowledge:

*Ack'd 5/12-03*  
(Name)

\_\_\_\_\_  
(Date)

Rev. 4/3/03  
Appeals (Certified List in Lieu of Record)